

EXHIBIT 1

From: Augustine Surgical <marketing@aug surg.com>

To:

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Subject: 3M Settles Bair Hugger Litigation

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3M Settles Bair Hugger Litigation

3M recently settled its first Bair Hugger infection case. Over 7,000 more are pending—all claiming that Bair Hugger forced-air warming devices caused horrific orthopedic implant infections. Approximately 2,800 cases are allegedly waiting to be filed.

Texan John Petitta sued 3M, the surgeon, a physician's assistant, and Valley Baptist Medical Center. Petitta claimed that Bair Hugger was a "substantial factor" in causing a MRSA infection during his knee arthroplasty—an infection which spread to the bone.

The surgeon and the hospital settled previously—with the surgeon swearing that if 3M had warned about the risks of using Bair Hugger, he would have chosen a different warming modality.

3M settled shortly before trial was to begin. The terms are confidential. According to 3M's attorneys, however, in a Missouri case, "Plaintiffs sought millions of dollars in compensatory damages and suggested \$1 to 2 billion in punitive damages."

3M Admits Contamination

The Petitta settlement came after 3M's corporate spokesman, Al Van Duren, made the following admission under oath:

Q: "Okay. Based on the data that we have today, including the study funded by 3M as well as other studies, every single study indicates that the Bair Hugger increases the particle count over the sterile field; correct?"

A: "In absolute numbers, yes."

Q: "And you have no internal studies to refute that; correct?"

A: "No, we don't."

3M's own epidemiology expert confirmed the risk of FAW as follows:

Q: "[T]here is evidence that the Bair Hugger increases particulates over the sterile field?"

A: "Yes, that's true."

Q: "There are studies that you have reviewed and relied on in this case that show that the *Bair Hugger increases the number of particles over the sterile field by a thousand fold*?"

A: "I would say it's true."

"In my opinion," said Dr. Scott Augustine, inventor of both Bair Hugger and HotDog (airfree) patient warming, "big companies like 3M don't settle if they think they can win. This, I believe, is the beginning of the end for all forced-air systems. Once doctors, hospitals—and even 3M itself—begin writing checks, it becomes difficult to justify blowing hot air in the operating room."

Dr. Augustine discovered the unintended consequence of rising waste heat from forced-air devices contaminating the sterile field approximately 12 years ago and warned the public—including 3M—about the risk in orthopedic implant cases.

New website reveals previously sealed court documents

Bairhuggerlawsuit.com has recently made public previously sealed court documents including video deposition testimony, transcripts, and internal communications. If the safety implications of blowing hot air in the operating room are important to you then it is worth seeing this new trove of information by clicking the image below.

Bair Hugger Lawsuit

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"We can say with certainty that the Bair Hugger is contributing airborne microbes into the air."

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3M had warned users of the Bair Hugger 200 model but removed the warning label from later models.



Infection risks associated with the Bair Hugger were known as early as 1987.

* Disclaimer: Augustine Surgical is not affiliated with BairHuggerLawsuit.com in any way.

Why are we sending you this information?

Dr. Scott Augustine invented Bair Hugger forced-air warming in the 1980s to reduce post-operative discomfort due to unintended hypothermia. Since then, patient warming has made an immeasurably positive impact on patient outcomes. However, in contamination-sensitive surgeries, forced-air warming has been proven to be an infection risk.

Air-free alternatives are recommended in orthopedics and other procedures where airborne contamination is a concern. Augustine Surgical is dedicated to Making Surgery Safer.

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